IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Civil Appellate jurisdiction

Writ petition No. 4052 of 2007

Shri Sunil Dattatraya Kalanke ..Petitioner

vs.

Shri Arun Narahar Magar and another ..Respondents

Mr.Jayesh Kalanke for petitioner.

CORAM: S.C.DHARMADHIKARI J
12th September,2007

P.C.

1. This writ petition under Article 227 of the Constitution of India is directed against the order passed by the learned Judge of the City Civil Court dated 17th November, 2006 in Short Cause Suit No.1578 of 2004.

2. Perusal of the order under challenge would demonstrate that an application was preferred by the petitioner for the purpose of taking up certain issues as preliminary issues. The learned Judge on the basis of the application and reply thereto has passed the order that 'at this stage when the objection is also raised with regard to the suit being barred by limitation, same cannot be decided finally. The order passed is interlocutory in nature. Nothing prevents the petitioners from raising appropriate pleas at the stage of final

arguments. Further, nothing prevents the petitioners from challenging the final order in the suit if the same is adverse to him. Needless to state that during the course of such challenge he can raise pleas as are raised in the present petition and impugn the subject directions and the order in that behalf. Granting such liberty and reserving all remedies so aslo keeping all contentions open the present petition is dismissed.

(S.C.DHARMADHIKARI J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 2087 of 2007
in
Writ Petition nop. 4052 of 2007

Shri Sunil Dattatraya Kalanke ..Petitioner

vs.

Shri Arun N.Magar and another ..Respondents

Mr.Jayesh Kalanke for petitioner.

CORAM: S.C.DHARMADHIKARI J
12th September,2007

P.C.

1. Heard the learned Counsel appearing for the petitioners. Perused the civil application.

2. Writ Petition is restored to file and heard finally forthwith. Civil application allowed accordingly.

(S.C.DHARMADHIKARI J.)